

**FILED**

JUL 18 2018

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

THE UNITED STATES OF  
AMERICA, *ex rel.* STEVE AND JONI  
HARMAN,

Plaintiffs,

vs.

BNSF RAILWAY CO., MONTANA  
RAIL LINK, INC., and JOHN DOES  
1-30,

Defendants.

CV 17-59-BLG-SPW

ORDER

The Defendants have filed motions to dismiss without leave to amend (Docs. 22 and 28). The Plaintiffs have reviewed those motions and conferred with the Defendants. As a result, the parties have jointly moved for an order vacating the Court's Preliminary Pretrial Order of May 18, 2018 and all associated dates pending a ruling on these motions, and for an order to extend the briefing schedule on the motions (Doc.


41).

Based upon the joint request of the parties and good cause appearing,

IT IS HEREBY ORDERED:

1. The parties' joint motion (Doc. 41) is **GRANTED**;
2. The Court's Preliminary Pretrial Order (Doc. 19) and all associated dates are **VACATED** pending a ruling by the Court on the Defendants' motions;
3. The Court will issue an appropriate order related to Preliminary Pretrial matters upon the issuance of its ruling in regards to the Defendants' motions.
4. Plaintiffs shall file a response to Defendants' motions to dismiss the Complaint by **August 21, 2018**. Defendants shall file a reply to Plaintiffs' response by **September 21, 2018**.

DATED this 18th day of July, 2018.

  
SUSAN P. WATTERS  
United States District Judge